

REMARKS

Reexamination and reconsideration of claims 29 and 31-36 are respectfully requested. Applicants acknowledge and appreciate the allowance of claims 1-14 and 38-45. Additionally, claim 37 has been cancelled herein without prejudice.

The drawings were objected to under 37 C.F.R. 1.83(a) for not showing every feature of the invention specified in the claims. Applicants respectfully assert that Fig. 5 depicts the armor layer 15 as discussed in the specification. See Fig. 5 and p. 6 of the present application. Additionally, Applicants submit a replacement sheet labeled as such herewith having the necessary corrections to Fig. 7. Withdrawal of the objection to the drawings is respectfully requested.

Claims 29 and 31-36 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. Pub. No. 2005/0074293 (the '293 reference) without a teaching reference. For a reference to be applicable under sec. 103(a), the reference must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention.

It is respectfully submitted that the '293 reference does not teach, disclose, or suggest each and every feature of amended claim 29. Moreover, the amendment of claim 29 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claims. Specifically, claim 29 recites a method for routing a duct within a paved surface, comprising the steps of: forming a channel in a paved surface, the channel having a predetermined width; and placing a duct having an inner tube and a jacket into the channel, thereby forming a friction fit between the duct and the channel over a portion of a duct length, wherein the jacket has a major dimension that is greater than the predetermined width of the channel a ratio between the predetermined width of the channel and the major dimension of the jacket being about 0.95 or less so

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that the jacket of the duct is compressed when the duct is placed within the channel.

On the other hand, the Abstract of the '293 reference states:

Presented is an underground cable laying apparatus that leaves virtually no visible scar in the turf under which cable, wire, line, hose, etc. is laid. The apparatus utilizes a pair of angularly displaced turf slicing wheels to slice and separate the turf forming a slit into which cable may be laid. A cable guide tube and roller properly place the cable within the slit. A pair of turf closure wheels close the slit in close proximity to the release point of the cable to ensure proper placement of the cable. The slit in the turf is gently and completely closed over the cable, leaving virtually no visible scar within the turf to upset the aesthetic beauty of a lawn. Further, the configuration and rolling action of the turf slicing wheels ensures that other underground cables will not be damaged if inadvertently encountered.

Thus, as clearly stated the cable laying apparatus of the '293 reference cuts into turf to bury the cable under the lawn. At p. 6, the Office Action states "...the method disclosed by Searby '293 is capable of being performed on a paved surface"; however, there is absolutely no objective evidence of record that the cable laying apparatus of the '293 reference is suitable for cutting into a paved surface. Additionally, the skilled artisan would have understood that the method using the cable laying apparatus of the '293 reference with turf slicing wheels 14,16 would not be capable of burying a cable in a paved surface because turf is much softer than a paved surface.

As an independent basis, the '293 reference does not teach, disclose, or otherwise suggest a ratio between the predetermined width of the channel and the major dimension of the jacket being about 0.95 or less so that the jacket of the duct is compressed when the duct is placed within the channel as recited in claim 29. For at least these reasons, the withdrawal of the sec. 103(a) rejection of claims 29 and 31-36 is warranted and

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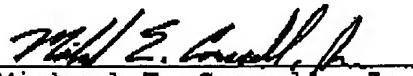
respectfully requested.

No fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,


Michael E. Carroll, Jr.
Attorney
Reg. No. 46,602
P.O. Box 489
Hickory, N. C. 28603
Telephone: 828/901-6725

Date: September 13, 2005